

“(B) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

“(C) shall remain available until expended.

“(4) REFUNDS.—The Board may refund any fee paid by mistake or any amount paid in excess of that required.”.

(c) REPORT ON ACADEMY OPERATIONS.—The National Transportation Safety Board shall transmit an annual report to the Congress on the activities and operations of the National Transportation Safety Board Academy.

SEC. 3. ASSISTANCE TO FAMILIES OF PASSENGERS INVOLVED IN AIRCRAFT ACCIDENTS.

(a) RELINQUISHMENT OF INVESTIGATIVE PRIORITY.—Section 1136 of title 49, United States Code, is amended by adding at the end the following:

“(j) RELINQUISHMENT OF INVESTIGATIVE PRIORITY.—

“(1) GENERAL RULE.—This section (other than subsection (g)) shall not apply to an aircraft accident if the Board has relinquished investigative priority under section 1131(a)(2)(B) and the Federal agency to which the Board relinquished investigative priority is willing and able to provide assistance to the victims and families of the passengers involved in the accident.

“(2) BOARD ASSISTANCE.—If this section does not apply to an aircraft accident because the Board has relinquished investigative priority with respect to the accident, the Board shall assist, to the maximum extent possible, the agency to which the Board has relinquished investigative priority in assisting families with respect to the accident.”.

(b) REVISION OF MOU.—Not later than 1 year after the date of enactment of this Act, the National Transportation Safety Board and the Federal Bureau of Investigation shall revise their 1977 agreement on the investigation of accidents to take into account the amendments made by this section and shall submit a copy of the revised agreement to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 4. RELIEF FROM CONTRACTING REQUIREMENTS FOR INVESTIGATIONS SERVICES.

Section 1113(b) of title 49, United States Code, is amended—

(1) by striking “Statutes;” in paragraph (1)(B) and inserting “Statutes, and, for investigations conducted under section 1131, enter into such agreements or contracts without regard to any other provision of law requiring competition if necessary to expedite the investigation;”; and

(2) by adding at the end the following:

“(3) The Board, as a component of its annual report under section 1117, shall include an enumeration of each contract for \$25,000 or more executed under this section during the preceding calendar year.”.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of S. 579, the National Transportation Safety Board (NTSB) Reauthorization Act of 2003. The bill is substantially the same as the NTSB reauthorization passed by the House on May 15, 2003, by voice vote. Passage of the Senate bill will enable the bill to go to the President.

In the last 5 years, NTSB has investigated 8,124 aviation accidents, 166 highway accidents, 24 marine accidents, 41 pipeline/hazardous materials accidents, and 82 railroad accidents. In addition, the NTSB has issued a total of 881 safety recommendations: 374 aviation; 188 highway; 24 intermodal; 112 marine; 51 pipeline; and 132 railroad.

To maintain its position as the world's pre-eminent investigative agency, it is imperative that the NTSB has the resources necessary to handle increasingly complex accident investigations. The NTSB has recently broken ground for its new training academy that will teach state of the art investigative techniques for transportation accidents. The NTSB now needs sufficient funding to sustain budget and personnel for both its Headquarters operations as well as the academy. Accordingly, S. 579 authorizes increased funding over the next 4 years: \$73 million in fiscal year 2003; \$79 million in fiscal year 2004; \$83 million in fiscal year 2005, and \$87.5 million in fiscal year 2006. The bill also authorizes approximately \$5 million per year for the training academy. This funding is critical to ensure that the Agency has the necessary resources to hire additional technical experts as well as to provide better training for its current workforce.

In 2000, Congress authorized the transfer of investigative priority from the NTSB to the Federal Bureau of Investigation (FBI) in the event of an accident caused by an international criminal act. However, there was no mechanism for the transfer of family affairs responsibility. Since the events of September 11th, the NTSB now believes that once the FBI has been transferred investigative responsibility for an aircraft accident, the family affairs responsibilities should transfer as well. S. 579 provides for the transfer of the family affairs responsibility when investigative authority has been relinquished in aviation accidents.

S. 579 also addresses another matter of great import; that is, the DOT's notoriously slow response to NTSB's safety recommendations. The bill requires an annual report from DOT on the regulatory status of safety recommendations on NTSB's “most wanted list.” The bill also requires DOT to report biennially on NTSB safety recommendations concerning 15-passenger van safety, railroad grade crossing safety, and medical certifications for a commercial drivers license. These reports will enable the Committee to keep tabs on the progress of these very important recommendations.

Having a well funded, well-trained NTSB workforce is of the utmost importance for the American traveling public. I urge my colleagues to support this critical piece of legislation, and I compliment Chairman YOUNG, Chairman MICA, and Ranking member DEFAZIO for their efforts.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HOMETOWN HEROES SURVIVORS BENEFITS ACT OF 2003

Mr. DELAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 459) to ensure that a public safety officer who suffers a fatal heart attack or stroke while on duty shall be presumed to have died in the line of duty for purposes of public safety officer survivor benefits, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. ETHERIDGE. Mr. Speaker, reserving the right to object, I will not object, but let me thank the leader and his staff. I want to take this opportunity to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and his staff; the ranking member, the gentleman from Michigan (Mr. CONYERS), and his staff; the subcommittee chair, the gentleman from North Carolina (Mr. COBLE), and his staff; the ranking member, the gentleman from Virginia (Mr. SCOTT), and his staff; and my staff for all their hard work; the gentleman from Pennsylvania (Mr. WELDON); and the gentleman from Maryland (Mr. HOYER) and others because this bill is an important piece of legislation.

It provides for our first responders and their families a bit of security. There is a gap in the law where currently if they die of a heart attack or stroke doing their duties, their families would not get benefits. This is a bipartisan piece of legislation. Over 283 Members of this body have signed it. Let me thank the leader. I appreciate his help and the help of others in getting this to the floor.

Mr. SENSENBRENNER. Mr. Speaker, current law provides \$267,494 to the survivors of public safety officers such as police officers, firefighters and rescue squad officers who die “as the direct and proximate result of a personal injury sustained in the line of duty”. S. 459, the “Hometown Heroes Survivor Benefits Act of 2003”, as introduced would provide that if a public safety officer dies as the direct and proximate result of a heart attack or stroke suffered while on duty or within 24 hours after participating in a training exercise or responding to an emergency situation, that officer shall be presumed to have died as the direct and proximate result of a personal injury sustained in the line of duty for purposes of that officer's survivors receiving a \$267,494 death benefit.

The intent of the legislation was to cover officers who suffered a heart attack or stroke as a result of nonroutine stressful or strenuous physical activity; however, testimony at the hearing indicated that the legislation as drafted was overboard. Witnesses testified that the legislation as drafted would undermine the purpose of the Public Safety Officer Benefits program, which was intended to provide a benefit to heroes who gave their lives in the line of duty for their communities. As drafted, it would cover officers who did not engage in any physical activity but merely happened to suffer a heart attack at work.

A substitute amendment was introduced to address these concerns. The substitute amendment would create a presumption that an officer who died as a direct and proximate result of a heart attack or stroke died as a direct and proximate result of a personal injury sustained in the line of duty if: (1) that officer participated in a training exercise that involved nonroutine stressful or strenuous physical activity or responded to a situation and such participation or response involved nonroutine stressful or strenuous physical law enforcement, hazardous material response, emergency medical services, prison security, fire suppression, rescue, disaster relief or other emergency response activity; (2) that officer suffered a heart attack or stroke while engaging or within 24 hours of engaging in that

physical activity; and (3) such presumption cannot be overcome by competent medical evidence.

For the purposes of this Act, the phrase "nonroutine stressful or strenuous physical" activity will exclude actions of a clerical, administrative or non-manual nature. Included in the category of "actions of a clerical, administrative or non-manual nature" are such tasks including, but not limited to, the following: sitting at a desk; typing on a computer; talking on the telephone; reading or writing paperwork or other literature; watching a police or corrections facility's monitors of cells or grounds; teaching a class; cleaning or organizing an emergency response vehicle; signing in or out a prisoner; driving a vehicle on routine patrol; and directing traffic at or participating in a local parade.

Such deaths, while tragic, are not to be considered in the line of duty deaths. The families of officers who died of such causes would therefore not be eligible to receive public safety officers benefits.

For the purposes of this Act, the phrase "nonroutine stressful or strenuous physical" actions will include, but are not limited to, the following: involvement in a physical struggle with a suspected or convicted criminal; performing a search and rescue mission; performing or assisting with emergency medical treatment; performing or assisting with fire suppression; involvement in a situation that requires either a high speed response or pursuit on foot or in a vehicle; participation in hazardous material response; responding to a riot that broke out at a public event; and physically engaging in the arrest or apprehension of a suspected criminal.

The situation listed above the types of heart attack and stroke cases that are considered to be in the line of duty. The families of officers who died in such cases are eligible to receive Public Safety Officers Benefits.

Mr. ETHERIDGE. Mr. Speaker, I withdraw my reservation of objection.

□ 0630

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 459

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hometown Heroes Survivors Benefits Act of 2003".

SEC. 2. FATAL HEART ATTACK OR STROKE ON DUTY PRESUMED TO BE DEATH IN LINE OF DUTY FOR PURPOSES OF PUBLIC SAFETY OFFICER SURVIVOR BENEFITS.

Section 1201 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) is amended by adding at the end the following:

"(k) For purposes of this section, if a public safety officer dies as the direct and proximate result of a heart attack or stroke suffered while on duty, or not later than 24 hours after participating in a training exer-

cise or responding to an emergency situation, that officer shall be presumed to have died as the direct and proximate result of a personal injury sustained in the line of duty."

SEC. 3. APPLICABILITY.

Section 1201(k) of the Omnibus Crime Control and Safe Streets Act of 1968, as added by section 2, shall apply to deaths occurring on or after January 1, 2003.

AMENDMENT IN THE NATURE OF A SUBSTITUTE
OFFERED BY MR. DELAY

Mr. DELAY. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. DELAY:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may cited as the "Hometown Heroes Survivors Benefits Act of 2003".

SEC. 2. FATAL HEART ATTACK OR STROKE ON DUTY PRESUMED TO BE DEATH IN LINE OF DUTY FOR PURPOSES OF PUBLIC SAFETY OFFICER SURVIVOR BENEFITS.

Section 1201 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) is amended by adding at the end the following:

"(k) For purposes of this section, if a public safety officer dies as the direct and proximate result of a heart attack or stroke, that officer shall be presumed to have died as the direct and proximate result of a personal injury sustained in the line of duty, if—

"(1) that officer, while on duty—

"(A) engaged in a situation, and such engagement involved nonroutine stressful or strenuous physical law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison security, disaster relief, or other emergency response activity; or

"(B) participated in a training exercise, and such participation involved nonroutine stressful or strenuous physical activity;

"(2) that officer died as a result of a heart attack or stroke suffered—

"(A) while engaging or participating as described under paragraph (1);

"(B) while still on that duty after so engaging or participating; or

"(C) not later than 24 hours after so engaging or participating; and

"(3) such presumption is not overcome by competent medical evidence to the contrary.

"(l) For purposes of subsection (k), 'nonroutine stressful or strenuous physical' excludes actions of a clerical, administrative, or non-manual nature."

Mr. DELAY (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DELAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1561. An act to preserve existing judge-ships on the Superior Court of the District of Columbia; to the Committee on Government Reform.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3182. An act to reauthorize the adoption incentive payments program under part E of title IV of the Social Security Act, and for other purposes.

H.J. Res. 79. Joint resolution making further continuing appropriations for the fiscal year 2004, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 117. An act to authorize the Secretary of Agriculture to sell or exchange certain land in the State of Florida, and for other purposes.

S. 286. An act to revise and extend the Birth Defects Prevention Act of 1998.

S. 650. An act to amend the Federal Food, Drug, and Cosmetic Act to authorize the Food and Drug Administration to require certain research into drugs used in pediatric patients.

S. 1685. An act to extend and expand the basic pilot program for employment eligibility verification, and for other purposes.

S. 1720. An act to provide for Federal court proceedings in Plano, Texas.

S. 1824. An act to amend the Foreign Assistance Act of 1961 to reauthorize the Overseas Private Investment Corporation, and for other purposes.

ADJOURNMENT

Mr. DELAY. Mr. Speaker, in honor of Scott Palmer's birthday, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 32 minutes a.m., Saturday, November 22, 2003), under its previous order, the House adjourned until Tuesday, November 25, 2003, at noon.